

**IN THE STATE COURT OF GWINNETT COUNTY
STATE OF GEORGIA**

ALEXANDER ACOSTA,

Plaintiff,

v.

BRINKER GEORGIA, INC. d/b/a CHILI'S
GRILL & BAR, BRINKER PROPERTY
CORPORATION, BRINKER
INTERNATIONAL, INC. AND
TREVOR WILLIAMS,

Defendants.

CIVIL ACTION FILE
23-C-04492-S1

NO.

[SERVED WITH DISCOVERY]

COMPLAINT FOR DAMAGES

Plaintiff Alexander Acosta ("Plaintiff" or "Acosta") files this Complaint against Defendants Brinker Georgia, Inc. d/b/a Chili's Grill & Bar, Brinker Property Corporation, Brinker International, Inc. and Trevor Williams (hereinafter jointly referred to as "Defendants") and shows the Court the following:

JURISDICTION AND VENUE

1.

Plaintiff Alexander Acosta is a resident of Cobb County, Georgia.

2.

Defendant Brinker Georgia, Inc. d/b/a Chili's is a foreign for-profit corporation registered to conduct business in Georgia and has its principal place of business located at 3000 Olympus Blvd, Dallas, Texas 75019. Defendant Brinker Georgia, Inc. d/b/a Chili's Grill & Bar may be served with process by serving a copy of the Summons and Complaint upon its registered agent The Prentice Hall Corp System located at 40 Technology Pkwy South, #300, Norcross, Georgia 30092.

3.

Defendant Brinker Property Corporation is a foreign for-profit corporation with its principal place of business located at 3000 Olympus Blvd, Dallas, Texas 75019. Defendant Brinker Property Corporation may be served with process by serving a copy of the Summons and Complaint upon its registered agent Corporation Service Company located at 40 Technology Pkwy South, #300, Norcross, Georgia 30092.

4.

Defendant Brinker International, Inc is a foreign for-profit corporation with its principal place of business located at 3000 Olympus Blvd, Dallas, Texas 75019. Defendant Brinker International, Inc. may be served with process by serving a copy of the Summons and Complaint upon its registered agent Prentice Hall Corporation System located at 211 E. 7th Street, Suite 620 Austin, TX 78701-3218.

5.

Defendant TREVOR WILLIAMS is a resident of Dekalb County, Georgia domiciled at 7230 S. Goddard Road Lithonia, GA 30038. Service of process may be perfected by delivering a copy of the Summons and Complaint to said Defendant personally at this address.

6.

Venue of this action is properly laid in Gwinnett County, Georgia.

7.

This Court has proper jurisdiction over this action and the parties thereto.

STATEMENT OF FACTS

8.

On July 10, 2021, Plaintiff was a business invitee at the Chili's #476C located at

2230 Mt. Zion Pkwy, Morrow, Georgia 30260 in Coweta County (hereinafter referred to as the “Premises”). While Plaintiff was dining at the Premises, Plaintiff slipped on liquid on the floor and fell to the ground.

9.

At all times material to this action, Defendants operated, managed and/or controlled the Premises.

NEGLIGENCE

10.

At all times material to this action, Plaintiff was an invitee on the Premises.

11.

At all times material to this action, Defendants had a non-delegable duty to properly maintain the Premises and to ensure that the Premises was free of hazards which could foreseeably cause bodily injury and harm to invitees, including Plaintiff.

12.

Defendants had a duty to inspect the Premises to discover dangerous and hazardous conditions that may cause injuries to its invitees, and to either eliminate such dangerous and hazardous conditions or to warn its invitees, including Plaintiff, of the existence of any such dangerous or hazardous conditions.

13.

On July 10, 2021, Defendants caused, created and/or permitted an unsafe, dangerous and hazardous condition to exist at the Premises, failed to undertake reasonable inspections of the Premises and/or failed to either eliminate such unsafe, dangerous and hazardous condition or to warn Plaintiff of the existence of the hazardous and dangerous condition.

14.

On July 10, 2021, Plaintiff, while lawfully on the Premises as an invitee of Defendants, Plaintiff was injured as a result of the dangerous, hazardous and unsafe condition of the Premises caused, created and/or unlawfully permitted by Defendants and/or their employees or agents for whom Defendants are vicariously liable.

15.

Defendants failed to cure the dangerous and hazardous condition of the liquid on the floor of the Premises while Plaintiff was an invitee of Defendants and failed to warn Plaintiff of the dangerous and hazardous condition.

16.

Defendant Trevor Williams failed to properly inspect, clean, or maintain the floor where Plaintiff slipped and fell.

17.

Defendants knew or should have known of the dangerous condition, should have corrected it and should have warned Plaintiff of said dangerous condition.

18.

Defendants were negligent in hiring, training and supervising the individuals responsible for cleaning, maintaining, and inspection the floor at Chili's #476C located at 2230 Mt. Zion Pkwy, Morrow, Georgia 30260 where Plaintiff was injured.

19.

Defendants Brinker Georgia, Inc., Brinker Property Corporation, Brinker International, Inc. and Trevor Williams are responsible for the actions of its employees and/or agents pursuant to the doctrine of *respondent superior*, agency or apparent agency.

20.

As a direct and proximate result of the negligence of Defendants and their employees and agents, Plaintiff sustained bodily injury, continues to endure physical and mental pain and suffering, and continues to incur medical expenses and lost wages and other damages to be proven at trial.

21.

At all times pertinent hereto, Defendants and their agents and/or employees had superior knowledge of the unsafe condition of their premises which proximately caused Plaintiff's injuries, said condition at all times prior to his injury being unknown to Plaintiff.

WHEREFORE, Plaintiff prays for the following:

- a) That Defendants be served with process required by law;
- b) That Plaintiff be granted a trial by jury;
- c) That Defendants be found liable for damages sustained by the Plaintiff due to the negligence of the Defendants;
- d) That Defendants be found liable for all court costs associated with this action and for all other costs and damages to be determined by this Court;
- e) That Plaintiff be awarded damages in such sums as this Court and jury shall find appropriate based upon the evidence submitted at the time of trial; and
- f) That Plaintiff be granted such other and further relief as this Honorable Court may deem as necessary and proper.

DATED this 28th day of June, 2023.

THE BROSNAHAN LAW FIRM



31 Lenox Pointe, N.E.
Atlanta, Georgia 30324
Tel: (404) 853-8964
Fax: (678) 904-6391

Kenneth W. Brosnahan, Esq.
Georgia State Bar No. 086345
E-mail: kwb@brosnahan-law.com
Linda G. Carpenter, Esq.
Georgia State Bar No. 111285
E-mail: lgc@brosnahan-law.com
Attorneys for Plaintiff

E-FILED IN OFFICE - KMG
CLERK OF STATE COURT
GWINNETT COUNTY, GEORGIA
23-C-04492-S1
6/28/2023 2:49 PM
TIANA P. GARNER, CLERK

IN THE STATE COURT OF GWINNETT COUNTY

STATE OF GEORGIA

ALEXANDER ACOSTA

23-C-04492-S1

CIVIL ACTION
NUMBER: _____

PLAINTIFF

VS.

BRINKER GEORGIA, INC. d/b/a CHILI'S GRILL &

BAR, BRINKER PROPERTY CORPORATION,

BRINKER INTERNATIONAL, INC., & TREVOR WILLIAMS

DEFENDANT

SUMMONS

Brinker Georgia, Inc. d/b/a Chili's Grill & Bar
R/a The Prentice Hall Corp System
40 Technology Pkwy South, #300
Norcross, GA 30092

TO THE ABOVE NAMED DEFENDANT:

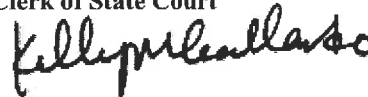
You are hereby summoned and required to file with the Clerk of said court and serve upon the Plaintiff's attorney, whose name and address is:

Linda G. Carpenter, Esq.
The Brosnahan Law Firm
31 Lenox Pointe NE
Atlanta, GA 30324

an answer to the complaint which is herewith served upon you, within 30 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint.

This _____ day of _____, 20____.
28th day of June, 2023

Tiana P. Garner
Clerk of State Court



By _____
Deputy Clerk

INSTRUCTIONS: Attach addendum sheet for additional parties if needed, make notation on this sheet if addendum sheet is used.

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BAR BRINKER PROPERTY CORPORATION,

BRINKER INTERNATIONAL, INC., & TREVOR WILLIAMS

DEFENDANT

SUMMONS

Brinker International, Inc.
R/a Prentice Hall Corporation System
211 E. 7th Street, Suite 620
Austin, TX 78701-3218

TO THE ABOVE NAMED DEFENDANT:

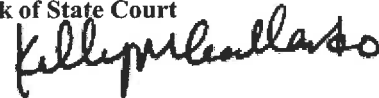
You are hereby summoned and required to file with the Clerk of said court and serve upon the Plaintiff's attorney, whose name and address is:

Linda G. Carpenter, Esq.
The Brosnahan Law Firm
31 Lenox Pointe NE
Atlanta, GA 30324

an answer to the complaint which is herewith served upon you, within 30 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint.

This ~~28th~~ ^{day of} ~~day of June, 2023~~ _____, 20____.

Tiana P. Garner
Clerk of State Court



By _____
Deputy Clerk

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BAR, BRINKER PROPERTY CORPORATION,

BRINKER INTERNATIONAL, INC., & TREVOR WILLIAMS

DEFENDANT

SUMMONS

TO THE ABOVE NAMED DEFENDANT:

Brinker Property Corporation
R/a Corporation Service Company
40 Technology Pkwy South, #300 Norcross, GA 30092

You are hereby summoned and required to file with the Clerk of said court and serve upon the Plaintiff's attorney, whose name and address is:

Linda G. Carpenter, Esq.
The Brosnahan Law Firm
31 Lenox Pointe NE
Atlanta, GA 30324

an answer to the complaint which is herewith served upon you, within 30 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint.

This _____ day of _____, 20____.
28th day of June, 2023

Tiana P. Garner
Clerk of State Court



By _____
Deputy Clerk

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BAR, BRINKER PROPERTY CORPORATION,

BRINKER INTERNATIONAL, INC., & TREVOR WILLIAMS

DEFENDANT

SUMMONS

Trevor Williams
7230 S. Goddard Road
Lithonia, GA 30038

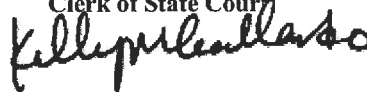
TO THE ABOVE NAMED DEFENDANT:

You are hereby summoned and required to file with the Clerk of said court and serve upon the Plaintiff's attorney, whose name and address is:

Linda G. Carpenter, Esq.
The Brosnahan Law Firm
31 Lenox Pointe NE
Atlanta, GA 30324

an answer to the complaint which is herewith served upon you, within 30 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint.

This _____ day of _____, 20____.
28th day of June, 2023

Tiana P. Garner
Clerk of State Court


By _____
Deputy Clerk

INSTRUCTIONS: Attach addendum sheet for additional parties if needed, make notation on this sheet if addendum sheet is used.

**IN THE STATE COURT OF GWINNETT COUNTY
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GRILL & BAR, BRINKER PROPERTY
CORPORATION, BRINKER
INTERNATIONAL, INC. AND TREVOR
WILLIAMS,

Defendants.

CIVIL ACTION FILE

NO.

23-C-04492-S1

PLAINTIFF'S FIRST REQUEST FOR ADMISSIONS TO DEFENDANTS

Plaintiff herewith submits to Defendants the following Request for Admissions:

DEFINITIONS

The following definitions apply to Plaintiff's First Request for Admissions to Defendants:

1. The term "Plaintiff" shall mean Plaintiff, his attorneys or agents, and all persons acting on his behalf. Accordingly, as used herein, the term "Plaintiff" refers without limitation to Plaintiff, Alexander Acosta and his representatives, executors, administrators, successors-in-interest, assigns, agents, attorneys, employees, consultants, partners, and anyone else currently or formerly acting or purporting to act on his behalf for any purpose whatsoever.
2. As used herein, the terms "Defendants," "you," and "your" shall refer to the Defendants entity providing responses to these Requests for Admissions, as named in the caption/case style of the instant document as well as any representatives, predecessors, successors, parents, subsidiaries, affiliates, divisions, executors, administrators, successors-in-interest, assigns, agents, attorneys, employees, officers, directors, consultants, partners, and anyone else currently or formerly acting or purporting to act on the responding Defendant entity's behalf for any purpose whatsoever.

3. The term “Incident” shall mean the incident involving Plaintiff described in the Complaint wherein Plaintiff slipped and fell on July 10, 2021, while at Chili’s Store No. 476C located at 2230 Mt. Zion Pkwy, Morrow, Georgia 30260.

4. The term “Premises” shall mean the Chili’s Store No. 476C located at 2230 Mt. Zion Pkwy, Morrow, Georgia 30260.

REQUESTS

1.

Please admit proper Service of process as to you (i.e. the Defendants providing responses to these Requests).

2.

Please admit that this Court has jurisdiction over this case.

3.

Please admit that this Court has proper Venue for this case.

4.

Please admit this Court has personal jurisdiction as to you.

5.

Please admit that you are a proper party to the instant action.

6.

Please admit that you owned the Premises on July 10, 2021.

7.

Please admit that you and/or your agents and employees are responsible for operating, controlling, and overseeing operations at the Premises on July 10, 2021.

8.

Please admit that you and your agents/employees were responsible for cleaning, inspecting, and maintaining the inside of the Premises on July 10, 2021.

9.

Please admit that Plaintiff fell inside the Premises on July 10, 2021.

10.

Please admit that Plaintiff fell inside the Premises on July 10, 2021 as a result of a dangerous/hazardous condition existing on the floor inside the Premises.

11.

Please admit that Plaintiff sustained injuries which caused pain and suffering.

12.

Please admit that, as a result of slipping and falling inside the Premises due to a hazardous/dangerous condition existing on the floor inside the Premises on July 10, 2021, Plaintiff sustained injuries which caused pain and suffering.

13.

Please admit that there were no policies, procedures, and/or rules regarding inspections of the Premises on July 10, 2021.

14.

Please admit that no inspections of the Premises were performed at any time on July 10, 2021.

15.

Please admit that no inspections occurred inside the Premises on July 10, 2021, prior to Plaintiff's fall inside the Premises.

DATED this 28th day of June, 2023.

THE BROSNAHAN LAW FIRM



31 Lenox Pointe, N.E.
Atlanta, Georgia 30324
Tel: (404) 853-8964
Fax: (678) 904-6391

Kenneth W. Brosnahan, Esq.
Georgia State Bar No. 086345
E-mail: kwb@brosnahan-law.com
Linda G. Carpenter, Esq.
Georgia State Bar No. 111285
E-mail: lgc@brosnahan-law.com
Attorneys for Plaintiff

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23-C-04492-S1

PLAINTIFF'S FIRST INTERROGATORIES TO DEFENDANTS

Pursuant to O.C.G.A. §§9-11-26 and 9-11-33, Plaintiff submits to Defendants the following Interrogatories:

INSTRUCTIONS

(i) You are required to answer all the following Interrogatories, separately and fully in writing under oath, within forty-five (45) days of receipt.

(ii) You are under a duty to seasonably supplement your responses with respect to any question or request directly addressed to (a) the identity and location of persons having knowledge of discoverable matters; and (b) the identity of each person expected to be called as an expert witness at trial, the subject matter on which he/she is expected to testify and the substance of his/her testimony.

(iii) You are under a duty to seasonably amend a prior response if you obtain information upon the basis of which (a) you know that the response was incorrect when made, or (b) is no longer true.

(iv) Except where specifically limited to a different time period, all inquiries require

responses through the date of final disposition of this litigation.

DEFINITIONS

1. The term “Plaintiff” shall mean Plaintiff, his attorneys or agents, and all persons acting on his behalf. Accordingly, as used herein, the term "Plaintiff" refers without limitation to Plaintiff Alexander Acosta and his representatives, executors, administrators, successors-in-interest, assigns, agents, attorneys, employees, consultants, partners, and anyone else currently or formerly acting or purporting to act on his behalf for any purpose whatsoever.
2. As used herein, the terms “Defendants,” “you,” and “your” shall refer to the Defendants entity providing responses to these Interrogatories, as named in the caption/case style of the instant document as well as any representatives, predecessors, successors, parents, subsidiaries, affiliates, divisions, executors, administrators, successors-in-interest, assigns, agents, attorneys, employees, officers, directors, consultants, partners, and anyone else currently or formerly acting or purporting to act on the responding Defendant entity’s behalf for any purpose whatsoever.
3. The terms “communication[s],” “communicate,” and “communicated” shall be construed to refer to any contact, oral or written, formal or informal, at any time or place, under any circumstances, in any manner, whereby information of any nature is transmitted or transferred.
4. “Complaint” means the Complaint for Damages that was filed under the civil action file number appearing on the caption of the instant document.
5. The term “Answer” shall mean Defendants’ Answer to the Complaint that was filed or will be filed by Defendants under the civil action file number appearing on the caption of the instant document.
6. “Concern” or “concerning” means relating to, bearing on, involving, engaging, occupying or regarding.

7. “Document” is used herein in its broadest sense and includes any writings, recordings or photographs, whether original or duplicate, as defined in O.C.G.A. § 9-11-34(a), and shall also include but not be limited to all writings, emails, letters, telephone memoranda, inter-office memoranda, memoranda of conversations, notes, telegrams, telexes, diaries, minutes, calendars, studies, logs, accounting reports, ledgers, journals, books, notebooks, plans, records, forms, charts, graphs, worksheets, estimating sheets, computation sheets, computer printouts and programs, and all other things of like nature, including drafts or non-identical reproductions, in any form, of the foregoing items. “Document” also includes and refers to information recorded and/or stored on tape, disc, record or by electronic or other means, as well as information stored on computer systems, microfilms, microfiche and the like. Any document containing written or other interlineations in addition to that contained on another document must be produced in addition to that other document. “Document” also includes and refers to the file or any container holding or which once held any documents, as well as to any writing or printing which may appear on such file or container. “Documents” also includes all documents annexed to the responsive document.

8. When used in reference to a person, “identify” means to set forth: the person’s name; the person’s present or last known business address and telephone number and, if applicable e-mail address; the person’s present or last known residence address and telephone number; the person’s present employer and position; and if the person is employed by you, and holds or once held an executive, managerial, and/or supervisory position for any kind of commercial or financial activity, each position the person has held with you and the period of time during which such position was held.

9. When used in reference to a document, “identify” means to set forth: the document’s date and approximate date of preparation; the document’s title, if any; the type of document; the substance of the document, including, but not limited to, its subject matter; the present and/or last known location of the document and any copies of it, as well as the name of the custodian of the document and/or any copies of it; the identity of each person who was its author and/or signatory.

10. When used in reference to a payment or to a transfer of property, “identify” means to set forth: the date of that day if the payment or other transfer was completed in the course of a single day; state if the payment or other transfer was not completed in the course of a single day; the date the transferor sent the property to the transferee/recipient; and the date the transferee received the property; the method of payment or other transfer (i.e., check, cash, cashier’s check, wire transfer, etc.); if the payment or other transfer was by check, state: the date of the check; the amount of the check; the payer of the check; the payee of the check; the endorser of the check; the date the check was cashed or deposited; and if the check was returned for insufficient funds and was later re-deposited, the date the check was returned, the date it was re-deposited, and the date it was honored; the identity of the transferor and transferee of the property transferred; the nature and amount of the property transferred; the benefit or consideration received by the transferor in exchange for the property transferred; and the identification of all documents relating to or referring to the payment or other transfer.

11. “Person” shall be construed to include any natural person and legal entity, including without limitation individuals, partnerships, firms, associations, joint ventures, corporations, proprietorships or other entities, whether real or fictitious, and/or arising by operation of law.

12. The terms “referring” or “relating to” shall be construed to mean constituting, reflecting, representing, supporting, contradicting, stating, describing, recording, noting, embodying, containing, relevant to, mentioning, studying, analyzing, discussing or evaluating.

13. “Reflecting” means embodying, containing, recording, noting, referring to, relating to, describing or mentioning.

14. The term “Incident” shall mean the incident involving Plaintiff described in the Complaint wherein Plaintiff slipped and fell on July 10, 2021, while at Chili’s #476C located at 2230 Mt. Zion Pkwy, Morrow, Georgia 30260.

15. The term “Premises” shall mean the Chili’s #476C located at 2230 Mt. Zion Pkwy, Morrow, Georgia 30260.

INTERROGATORIES

1.

If you contend that jurisdiction, venue, or service is improper as to you or that you are not a proper party to this action, please state all facts upon which you rely in support of your contention, state the county in which venue is proper, the address at which you can be properly served, why you are not a proper party to this action and the name and address of any party who you claim is a proper party defendant to this action.

2.

Please identify the name, address and telephone number of all persons who, to your knowledge: (a) were witnesses to the Incident (i.e. persons who saw or claim to have seen any part or all of the Incident); (b) arrived at the scene within sixty (60) minutes of the Incident; (c) generated/received any written/memorialized reports and/or written/recorded

communications; (d) investigated the Incident or any aspect thereof; and/or (e) has any knowledge concerning the Incident or any aspect thereof.

3.

Please state, in reasonable detail, any and all facts relied upon to show, evidence, or otherwise support any claims or defenses which you have raised or intend to raise in your Answer to Plaintiff's Complaint and/or which you intend to raise at trial. In your answer, please identify, with reasonable specificity, any and all documents, communications, reports, records, materials, and other tangible items which concern, relate to, and/or evidence the information provided in your response to this Interrogatory.

4.

Describe fully and completely all arrangements Defendants or any of its agents or employees had established, implemented, and/or employed at the Premises with respect to the care and maintenance of the Premises including, without limitation, the floors of the Premises and, specifically, the floors in the area where the Incident occurred.

5.

Identify the substance/content of any and all statements which, to your knowledge and/or the knowledge of your employees/agents, were made by Plaintiff to any other individual or entity at any time regarding the Incident, including in your response the identity, address and telephone number of the person/persons or entity/entities to whom such statements were made. In your answer, please state whether any such statements were written, recorded, or otherwise memorialized and, if so, identify the person(s) or entity/entities presently having possession of such memorialized statements.

6.

Identify the substance/content of any and all statements made by you and/or any of your employees/agents/representatives to any other individual or entity at any time regarding the Incident and/or Plaintiff, including in your response the identity, address and telephone number of the person/persons or entity/entities to whom such statements were made. In your answer, please state whether any such statements were written, recorded, or otherwise memorialized and, if so, identify the person(s) or entity/entities presently having possession of such memorialized statements.

7.

Please indicate whether you are in possession of any reports or records related to the Incident. If so, please provide the names, addresses and telephone numbers of all persons who participated in preparing the report, as well as the names, addresses and telephone numbers of those persons who presently have custody of said report(s).

8.

For the period commencing July 9, 2021 through and including the present date July 11, 2021, please list the names and addresses of all persons employed by you whose job duties included any aspect of store inspections, cleaning, repairs, management, and/or maintenance at the Premises during the specified time period including, but not limited to, inspections and/or maintenance of the area where the Incident occurred. In your answer, please indicate whether such individuals are still employed by you or any other Defendant to this action.

9.

For the period commencing July 1, 2021 through and including the present the date of the Incident, please list and describe with specificity any and all policies, procedures, rules,

guidelines, protocols, etc. that were in place at the Premises with regard to the inspection, cleaning, management, repair, and maintenance of the area where the Incident giving rise to this action occurred. In your answer, please indicate whether such policies, procedures, etc. were communicated to your agents/employees in writing or via other recorded means.

10.

For the period commencing on July 1, 2021, through and including the date of the Incident, please state the names, addresses, telephone numbers and job titles of the persons having the most knowledge concerning Defendants' inspection procedures (and any other policies/procedures identified in your response to Interrogatory 9 hereinabove) with respect to the area where the Incident forming the basis of Plaintiff's Complaint occurred. With respect to each person identified, please indicate whether such person is still employed by you and/or any other Defendants to this action.

11.

For the 24-hour period making up the date of the Incident, please identify any and all times at which you and/or your agents/employees inspected, cleaned, and/or performed maintenance in the area where the Incident occurred.

12.

Was the condition of the area where the Incident occurred remediated, cleaned, repaired, modified, or altered in any way after the Incident? If so, please identify the person(s) who ordered and/or rendered the remediation or alteration, etc. and describe the nature of and reason for the remediation or alteration, specifically stating what actions were taken to remediate or alter the area.

13.

If Defendants allege that Plaintiff caused or contributed in any way to the Incident forming the basis of his Complaint, please state all facts supporting such allegations and identify all persons possessing knowledge of said facts as well as any documents, communications, or other tangible materials which concern, relate to, or support such facts.

14.

Please state whether or not you contend any other person contributed in any way to the subject Incident, and if so, please state:

- A. the name and address of the person who you contend contributed to same; and
- B. please state in detail the allegations of negligence, common law or negligence per se, allegations which you contend were committed by said person.

15.

Do you, your attorneys, your insurer or anyone acting on your or their behalf have knowledge or possession of any photographs, motion pictures, video tapes, maps, recordings, depictions, drawings, diagrams, measurements, surveys, or other descriptions concerning: (a) the events and happenings alleged in this action; (b) the scene of the Incident, or (c) the area where the Incident occurred (regardless of whether such materials were generated before, after, or at the time of the Incident in question) including, without limitation any photographs, video tapes, or movies made of Plaintiff herein at any time on the date of the Incident or at any time thereafter? If so, please identify said materials with reasonable specificity and identify the person/persons presently having possession of said materials.

16.

Please state whether or not there was any liability insurance in effect on the date of the Incident complained of which extended coverage to you and/or your agents/employees including, without limitation, any umbrella or excess coverage. In your answer, for each such policy identified, please state:

- A. The name of the insured in said policy;
- B. The policy number of each said policy;
- C. The name of each insurance company who issued said policy; and
- D. The limits of liability for personal injury under each and every applicable policy.

17.

Please identify all experts you have engaged or will engage to assist in the investigation and/or defense of this lawsuit.

18.

Please state the name, address and telephone number of each person you expect to call as an expert witness at the trial of this case and, for each such person, give the subject matter on which he or she is expected to testify, the substance of the facts and opinions to which he or she is expected to testify, a summary of the grounds for each such opinion, and identify any and all documents, communications, or other tangible materials relied upon by any such expert in forming their opinions or conclusions.

19.

In regard to any document that has not been produced to Plaintiff on grounds of alleged privilege or protection of any kind, please state the following: (a) the date each document was generated; (b) the person generating each documents; (c) the present custodian of each

document; (d) a brief description of each document; and (e) the basis of your objection(s) to producing such materials.

20.

Please describe, with reasonable specificity and detail, any and all training, education, experience, and/or certifications which you provided to and/or required of your agents/employees responsible for cleaning, inspecting, and/or maintaining the Premises. Please identify the persons having the most knowledge of any facts/information supplied in your response.

21.

Do you contend that you and/or your agents acted in any way to warn or otherwise notify the invitees of the Premises, including Plaintiff, of any dangerous and/or hazardous conditions existing at or inside the Premises on July? If so, please describe any such efforts with reasonable detail and specificity and identify all persons having knowledge of the information provided in your response.

22.

Please state whether any cleaning, inspection, and/or maintenance services were performed by you and/or any of your agents/employees inside the Premises on July 10, 2021. If so, please identify the type(s) of service(s) performed, the person(s) responsible for performing such service(s), the approximate time at which such service(s) was/were performed, the frequency and duration of such service(s) performed during the same day, and indicate whether there are any checklists, records, reports, communications, and/or other documents of any kind (including electronically stored materials) exist which evidence, concern, and/or relate to the performance of any such service(s).

23.

Do you contend that any one or all of the injuries Plaintiff complains of did NOT result from the Incident described in Plaintiff's Complaint? If so, please identify those injuries you contend did not result from the subject Incident and provide any and all facts supporting such contentions, identifying any persons having knowledge of such facts.

24.

Please identify and provide the telephone number, job title, and address for any person(s) providing responses and/or information in response to these Interrogatories as well as any person(s) assisting with obtaining information and documents responsive to these Interrogatories and/or Plaintiff's First Request for Production of Documents to Defendants. For each person identified in your response, please state whether such person has been employed by you or any other named Defendant to this action and, if so, please indicate whether each person is still employed by you.

DATED this 28th day of June, 2023.

THE BROSNAHAN LAW FIRM



31 Lenox Pointe, N.E.
Atlanta, Georgia 30324
Tel: (404) 853-8964
Fax: (678) 904-6391

Kenneth W. Brosnahan, Esq.
Georgia State Bar No. 086345
E-mail: kwb@brosnahan-law.com
Linda G. Carpenter, Esq.
Georgia State Bar No. 111285
E-mail: lgc@brosnahan-law.com
Attorneys for Plaintiff

**IN THE STATE COURT OF GWINNETT COUNTY
STATE OF GEORGIA**

ALEXANDER ACOSTA,

Plaintiff,

v.

BRINKER GEORGIA, INC. d/b/a CHILI'S
GRILL & BAR, BRINKER PROPERTY
CORPORATION, BRINKER
INTERNATIONAL, INC. AND
TREVOR WILLIAMS,

Defendants.

CIVIL ACTION FILE

NO.

23-C-04492-S1

**PLAINTIFF'S FIRST REQUEST FOR PRODUCTION
OF DOCUMENTS TO DEFENDANTS**

Pursuant to O.C.G.A. §§9-11-26 and 9-11-34, Plaintiff serves Defendants with Plaintiff's First Request for Production of Documents. The documents are to be produced at the offices of The Brosnahan Law Firm, 31 Lenox Pointe, Atlanta, Georgia 30324.

DEFINITIONS

The following definitions apply to Plaintiff's First Request for Production of Documents to Defendants:

1. The term "Plaintiff" shall mean Plaintiff, his attorneys or agents, and all persons acting on his behalf. Accordingly, as used herein, the term "Plaintiff" refers without limitation to Plaintiff, Alexander Acosta and his representatives, executors, administrators, successors-in-interest, assigns, agents, attorneys, employees, consultants, partners, and anyone else currently or formerly acting or purporting to act on his behalf for any purpose whatsoever.
2. As used herein, the terms "Defendants," "you," and "your" shall refer to the Defendants entity providing responses to these Interrogatories, as named in the caption/case style of the instant

document as well as any representatives, predecessors, successors, parents, subsidiaries, affiliates, divisions, executors, administrators, successors-in-interest, assigns, agents, attorneys, employees, officers, directors, consultants, partners, and anyone else currently or formerly acting or purporting to act on the responding Defendant entity's behalf for any purpose whatsoever.

3. The terms "communication[s]," "communicate," and "communicated" shall be construed to refer to any contact, oral or written, formal or informal, at any time or place, under any circumstances, in any manner, whereby information of any nature is transmitted or transferred.

4. "Complaint" means the Complaint for Damages that was filed under the civil action file number appearing on the caption of the instant document.

5. The term "Answer" shall mean Defendants' Answer to the Complaint that was filed or will be filed by Defendants under the civil action file number appearing on the caption of the instant document.

6. "Concern" or "concerning" means relating to, bearing on, involving, engaging, occupying or regarding.

7. "Document" is used herein in its broadest sense and includes any writings, recordings or photographs, whether original or duplicate, as defined in O.C.G.A. § 9-11-34(a), and shall also include but not be limited to all writings, emails, letters, telephone memoranda, inter-office memoranda, memoranda of conversations, notes, telegrams, telexes, diaries, minutes, calendars, studies, logs, accounting reports, ledgers, journals, books, notebooks, plans, records, forms, charts, graphs, worksheets, estimating sheets, computation sheets, computer printouts and programs, and all other things of like nature, including drafts or non-identical reproductions, in any form, of the foregoing items. "Document" also includes and refers to information recorded and/or stored on tape, disc, record or by electronic or other means, as well as information stored on computer systems,

microfilms, microfiche and the like. Any document containing written or other interlineations in addition to that contained on another document must be produced in addition to that other document.

“Document” also includes and refers to the file or any container holding or which once held any documents, as well as to any writing or printing which may appear on such file or container.

“Documents” also includes all documents annexed to the responsive document.

8. When used in reference to a person, “identify” means to set forth: the person’s name; the person’s present or last known business address and telephone number and, if applicable e-mail address; the person’s present or last known residence address and telephone number; the person’s present employer and position; and if the person is employed by you, and holds or once held an executive, managerial, and/or supervisory position for any kind of commercial or financial activity, each position the person has held with you and the period of time during which such position was held.

9. When used in reference to a document, “identify” means to set forth: the document’s date and approximate date of preparation; the document’s title, if any; the type of document; the substance of the document, including, but not limited to, its subject matter; the present and/or last known location of the document and any copies of it, as well as the name of the custodian of the document and/or any copies of it; the identity of each person who was its author and/or signatory.

10. When used in reference to a payment or to a transfer of property, “identify” means to set forth: the date of that day if the payment or other transfer was completed in the course of a single day; state if the payment or other transfer was not completed in the course of a single day: the date the transferor sent the property to the transferee/recipient; and the date the transferee received the property; the method of payment or other transfer (i.e., check, cash, cashier’s check, wire transfer, etc.); if the payment or other transfer was by check, state: the date of the check; the amount of the

check; the payer of the check; the payee of the check; the endorser of the check; the date the check was cashed or deposited; and if the check was returned for insufficient funds and was later re-deposited, the date the check was returned, the date it was re-deposited, and the date it was honored; the identity of the transferor and transferee of the property transferred; the nature and amount of the property transferred; the benefit or consideration received by the transferor in exchange for the property transferred; and the identification of all documents relating to or referring to the payment or other transfer.

11. “Person” shall be construed to include any natural person and legal entity, including without limitation individuals, partnerships, firms, associations, joint ventures, corporations, proprietorships or other entities, whether real or fictitious, and/or arising by operation of law.

12. The terms “referring” or “relating to” shall be construed to mean constituting, reflecting, representing, supporting, contradicting, stating, describing, recording, noting, embodying, containing, relevant to, mentioning, studying, analyzing, discussing or evaluating.

13. “Reflecting” means embodying, containing, recording, noting, referring to, relating to, describing or mentioning.

14. The term “Incident” shall mean the incident involving Plaintiff described in the Complaint wherein Plaintiff slipped and fell on July 10, 2021, while at Chili’s #476C located at 2230 Mt. Zion Pkwy, Morrow, Georgia 30260.

15. The term “Premises” shall mean the Chili’s #476C located at 2230 Mt. Zion Pkwy, Morrow, Georgia 30260.

REQUESTS

1.

Please produce any and all reports, findings, records, communications, photographs, video footage, statements, or any other documents, letters or other items of documentary or tangible evidence which prove, support or constitute evidence of any fact or circumstance upon which you base the allegations or defenses contained in your Answer.

2.

Please produce any and all reports, findings, records, communications, photographs, video footage, statements, or any other documents, letters or other items of documentary or tangible evidence identified, referred to, and/or relied upon in your answers to Plaintiff's First Interrogatories to Defendants.

3.

Please produce any and all reports, findings, records, communications, photographs, video footage, statements, or any other documents, letters or other items of documentary or tangible evidence relied upon to demonstrate or support facts relevant to this litigation, including any such materials on which you rely as the basis for any claims/defenses you have raised or intend to raise in your Answer to Plaintiff's Complaint and/or at trial.

4.

Please produce any and all books, documents, files, exhibits, depictions, reports or other tangible materials which outline, reference, concern, serve as basis of, and/or relate to the opinions of any "expert witnesses" identified and/or referred to in your answers to Plaintiff's First Interrogatories to Defendants as well as any such materials provided to and/or created by any such expert witnesses.

5.

Please produce any statements (written, recorded or otherwise) either in your possession and/or obtained by you or anyone acting on your behalf from Plaintiff, regardless of when such statements were made or to whom such statements were provided.

6.

Please produce any statements (written, recorded or otherwise) either in your possession and/or obtained by you or anyone on your behalf from any person who (a) claims to have seen or who saw any part of the Incident complained of in this action, or (b) has or claims to have knowledge of the Incident or any aspect thereof.

7.

Please produce any statements (written, recorded or otherwise) relating to, concerning, and/or referencing the subject Incident (or any aspect thereof) which were made by you, your employees/agents, and/or anyone acting on your behalf and which are in your possession and/or were provided to any other person/entity by you or anyone acting on your behalf regardless of when such statements were made and to whom they were provided.

8.

Please produce any photographs, motion pictures, video tapes, maps, drawings, diagrams, measurements, depictions, recordings, reports, surveys or other descriptions concerning the events and happenings giving rise to this action, Plaintiff and/or Plaintiff's injuries, the Incident itself, and/or the scene of the Incident, regardless of when such materials were created, including, but not limited to, any photographs, video tapes, movies, or other such materials made of the area where the Incident occurred, the Incident itself, and/or Plaintiff herein at any time since the Incident referred to in the Complaint. If you contend any such responsive materials are not in your possession, please

identify those persons/entities having possession of such materials.

9.

For the time period of July 1, 2021 through and including the time of the Incident, please produce any documents referring to, evidencing, recording, describing, evidencing, and/or referencing any maintenance, cleaning, repairs, and/or inspections performed at the Premises, including, but not limited to, any such maintenance, cleaning, inspection, etc. of the area where the Incident occurred. If you contend any such responsive materials are not in your possession, please identify those persons/entities having possession of such materials. If you contend such materials have been destroyed, disposed of, and/or deleted, please provide the date(s) on which such materials were destroyed, disposed of, deleted, etc. and state the reason(s) such materials were destroyed, deleted, disposed of, etc.

10.

For the period of January 1, 2021 through and including the present date, please produce any and all policy and procedure manuals, guidelines, memoranda, training materials, rules, handbooks, electronically stored materials, and/or other documents evidencing any policies and procedures concerning the inspection, cleaning, or maintenance of the area where the Incident forming the basis of Plaintiff's Complaint occurred.

11.

Please produce any and all communications (written, recorded, or otherwise memorialized) between you and/or anyone acting on your behalf and any other person or entity which reference, concern, and/or relate to the Incident giving rise to this action.

12.

To the extent that there have been any complaints made to you, your employees/agents, and/or any other named Defendants about the Premises, including, without limitation, the area where the incident forming the basis of Plaintiff's Complaint occurred, please produce any correspondence, memoranda, report, record or any other documents evidencing, referencing or relating to any such complaints.

13.

To the extent that there have been any slips, trips, falls, and/or injuries to others occurring at the Premises during the period of July 1, 2020, through and including the present date *other than* the Incident giving rise to this action, please produce any correspondence, memoranda, report, record, photographs, incident reports, video footage, or any other documents (including electronically stored materials) evidencing, referencing, or relating to any such occurrences/injuries.

14.

To the extent that any remedial or other measures were undertaken to repair, fix, modify, direct attention to, and/or change in any way the area where the Incident forming the basis of Plaintiff's Complaint occurred *after* said incident, please produce any and all documents evidencing, referencing, evidencing, or relating to any such measures.

15.

Please produce any and all leases or contracts with any outside contractors or agencies for performance of management, cleaning, repair, inspection, oversight operations, and/or maintenance services at the Premises, including, without limitation, any leases or contracts for performance of such services in the area where Plaintiff fell.

16.

Please produce any e-mail, interoffice correspondence, memoranda, report, telephone log, message or other documents concerning Plaintiff and/or Incident forming the Plaintiff's Complaint.

17.

Please produce any documents, communications, memoranda, and/or any other tangible materials (including electronically stored/transmitted materials) relating to, concerning, referencing, and/or implementing any changes made to policies, procedures, protocols, rules, regulations and guidelines since the incident forming the basis of Plaintiff's Complaint.

18.

Please produce any invoices, records, proposals, work orders, maintenance records or other documents for work performed in the area where the Incident forming the basis of Plaintiff's Complaint occurred in the last three years.

19.

Please produce any surveillance videos taken anywhere on, at, or inside the Premises at any time during the 24 hours making up the day of the Incident forming the basis of Plaintiff's Complaint.

20.

For the period of July 1, 2020 through and including the present date, please produce any and all documents, communications, pleadings, notices, transcripts, or any other tangible materials of any kind (including electronically stored/transmitted materials) which reference, concern, and/or relate to any claims (including insurance claims) or lawsuits involving you, any other named Defendant, and/or the Premises.

21.

Please produce any logs, time sheets, records, reports, documents, communications, or other tangible materials of any kind (including electronically stored/transmitted materials) which evidence, concern, reference, relate to, and/or show the identity of all persons employed by you and/or any other named Defendant who were present at the Premises on the date of the Incident giving rise to this action.

22.

Please produce any training materials, logs, handbooks, documents, records, memoranda, policies and procedures, and/or any other documents or tangible materials of any kind (including electronically stored/transmitted materials) which reference, concern, and/or relate to cleaning, inspections, operations, and maintenance at the Premises and which were provided to your employees/agents or the employees/agents of any other Defendant at any time from July 1, 2020 through and including the present date.

23.

Please produce the employee personnel file for any employees/agents performing work at the Premises from at any time during the 24 hours making up the day of the Incident, including, without limitation, any records or communications referencing any disciplinary actions, write-ups, termination, suspension, and/or any other similar issues involving these employees during the specified time period.

24.

Please produce any licenses, certificates, and/or other documentary or tangible materials of any kind which concern, relate to, and/or show the qualifications of you, your employees/agents, and/or any employees/agents of any other named Defendant who performed work of any kind at the Premises from July 1, 2021 through and including the date of the Incident.

25.

For the period of July 10, 2021, through and including the present date, please produce any and all correspondence between you (and/or anyone acting on your behalf) and Plaintiff and/or anyone acting on Plaintiff's behalf.

26.

Please produce any documents, contracts, agreements, communications, policies, and/or other tangible materials relating to, concerning, evidencing, or referencing any insurance policies providing coverage to you and/or the Premises for the period of July 1, 2021, through and including the present date.

27.

Please produce any and all documents, communications, and other tangible materials of any kind (including electronically stored/transmitted materials) which you or anyone acting on your behalf provided to any insurance carrier/representative in connection with the subject Incident, as well as any such materials provided to you or anyone acting on your behalf by any insurance carrier/representative in connection with the subject incident.

28.

Please produce any documents evidencing, referencing or relating to any and all maintenance of the floors that was performed at any time during the 24 hours making up the day of the Incident.

29.

Please produce any documents evidencing, referencing or relating to any and all inspections of the floors that was performed at any time during the 24 hours making up the day of the Incident.

30.

Please produce any documents evidencing, referencing or relating to any and all sweeping of the floors that was performed at any time during the 24 hours making up the day of the Incident.

31.

Please produce any documents evidencing, referencing or relating to any and all mopping of the floors that was performed at any time during the 24 hours making up the day of the Incident.

32.

To the extent that you claim that any part of the area where the Incident occurred was blocked off in any way or that warnings of any kind were located in and/or around the area where the Incident occurred at any time before the Incident, please produce all documents evidencing, referencing or relating to any such warnings or blockades.

33.

Please produce any photographic evidence, including photographs and/or videos taken of the area where the Incident occurred at any time before the Incident.

34.

Please produce any photographic evidence, including photographs and/or videos taken of the area where the Incident occurred at any time after the Incident.

35.

Please produce any documents evidencing, referencing or relating to any notifications of the hazard on which Plaintiff slipped received by you prior to the Incident.

36.

Please produce any documents evidencing, referencing or relating to your policies and procedures for what is to be done upon notification of a hazard such as the one involved in this Incident that existed at the time of the Incident.

DATED this 28th day of June, 2023.

THE BROSNAHAN LAW FIRM



31 Lenox Pointe, N.E.
Atlanta, Georgia 30324
Tel: (404) 853-8964
Fax: (678) 904-6391

Kenneth W. Brosnahan, Esq.
Georgia State Bar No. 086345
E-mail: kwb@brosnahan-law.com
Linda G. Carpenter, Esq.
Georgia State Bar No. 111285
E-mail: lgc@brosnahan-law.com
Attorneys for Plaintiff

General Civil and Domestic Relations Case Filing Information Form

☐ Superior or ☒ State Court of Gwinnett State Court County

For Clerk Use Only

Date Filed _____

MM-DD-YYYY

Case Number 23-C-04492-S1**Plaintiff(s)**

ACOSTA, ALEXANDER

Last	First	Middle I.	Suffix	Prefix

Last	First	Middle I.	Suffix	Prefix

Last	First	Middle I.	Suffix	Prefix

Last	First	Middle I.	Suffix	Prefix

Plaintiff's Attorney Linda G. Carpenter**Defendant(s)**

BRINKER GEORGIA, INC. d/b/a CHILI'S GRILL & BAR

Last	First	Middle I.	Suffix	Prefix

Last	First	Middle I.	Suffix	Prefix

Last	First	Middle I.	Suffix	Prefix

Last	First	Middle I.	Suffix	Prefix

State Bar Number 111285Self-Represented ☐

Check one case type and one sub-type in the same box (if a sub-type applies):

General Civil Cases

- ☐ Automobile Tort
☐ Civil Appeal
☐ Contempt/Modification/Other
☐ Post-Judgment
☐ Contract
☐ Garnishment
☒ General Tort
☐ Habeas Corpus
☐ Injunction/Mandamus/Other Writ
☐ Landlord/Tenant
☐ Medical Malpractice Tort
☐ Product Liability Tort
☐ Real Property
☐ Restraining Petition
☐ Other General Civil

Domestic Relations Cases

- ☐ Adoption
☐ Contempt
☐ Non-payment of child support, medical support, or alimony
☐ Dissolution/Divorce/Separate Maintenance/Alimony
☐ Family Violence Petition
☐ Modification
☐ Custody/Parenting Time/Visitation
☐ Paternity/Legitimation
☐ Support – IV-D
☐ Support – Private (non-IV-D)
☐ Other Domestic Relations

- ☐ Check if the action is related to another action pending or previously pending in this court involving some or all of the same: parties, subject matter, or factual issues. If so, provide a case number for each.

Case Number _____

Case Number _____

- ☐ I hereby certify that the documents in this filing, including attachments and exhibits, satisfy the requirements for redaction of personal or confidential information in OCGA § 9-11-7.1.

- ☐ Is a foreign language or sign-language interpreter needed in this case? If so, provide the language(s) required.

Language(s) Required _____

- ☐ Do you or your client need any disability accommodations? If so, please describe the accommodation request.

**IN THE STATE COURT OF GWINNETT COUNTY
 STATE OF GEORGIA**

ALEXANDER ACOSTA,
 Plaintiff,

CIVIL ACTION FILE

v.

NO. 23-C-04492-S1

BRINKER GEORGIA, INC. d/b/a CHILI'S
 GRILL & BAR, BRINKER PROPERTY
 CORPORATION, BRINKER
 INTERNATIONAL, INC. AND
 TREVOR WILLIAMS,
 Defendants.

PLAINTIFF'S NOTICE OF LEAVE OF ABSENCE

Plaintiff's attorney Kenneth Brosnahan, Esq., submits this Notice of Leaves of Absence to the Clerk of Court and counsel of record, pursuant to Uniform State Court Rule 16.1. Plaintiff's counsel Kenneth Brosnahan will be absent from the practice of law and submits this request to be excused from all proceedings including trials, hearings and depositions in the above-referenced matter during the following dates:

	DURATION OF REQUESTED LEAVE OF ABSENCE	REASON
1	July 5, 2023 through July 7, 2023	Vacation
2	September 18, 2023 through September 23, 2023	Vacation
3	November 23, 2023 through November 27, 2023	Vacation
4	December 22, 2023 through January 2, 2024	Vacation

All affected judges and opposing counsel shall have ten days from the date of this Notice to object to it. If no objections are filed, the leave shall be granted.

This 28th day of June, 2023.

THE BROSNAHAN LAW FIRM

/s/ Kenneth Brosnahan

Kenneth Brosnahan, Esq.
 Georgia State Bar No. 086345
 E-mail: kwb@brosnahan-law.com
Attorney for Plaintiff

31 Lenox Pointe, N.E.
 Atlanta, Georgia 30324
 Tel: (404) 853-8964
 Fax: (678) 904-6391

**IN THE STATE COURT OF GWINNETT COUNTY
STATE OF GEORGIA**

ALEXANDER ACOSTA,
Plaintiff,

v.

BRINKER GEORGIA, INC. d/b/a CHILI'S
GRILL & BAR, BRINKER PROPERTY
CORPORATION, BRINKER
INTERNATIONAL, INC. AND
TREVOR WILLIAMS,
Defendants.

CIVIL ACTION FILE

NO. 23-C-04492-S1

PLAINTIFF'S NOTICE OF LEAVE OF ABSENCE

Plaintiff's attorney Linda G. Carpenter, Esq., submits this Notice of Leaves of Absence to the Clerk of Court and counsel of record, pursuant to Uniform State Court Rule 16.1. Plaintiff's counsel Linda G. Carpenter will be absent from the practice of law and submits this request to be excused from all proceedings including trials, hearings and depositions in the above-referenced matter during the following dates:

	DURATION OF REQUESTED LEAVE OF ABSENCE	REASON
1	July 5, 2023 through July 7, 2023	Vacation
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3	November 23, 2023 through November 27, 2023	Vacation
4	December 22, 2023 through January 2, 2024	Vacation

All affected judges and opposing counsel shall have ten days from the date of this Notice to object to it. If no objections are filed, the leave shall be granted.

This 27th day of June, 2023.

THE BROSNAHAN LAW FIRM

/s/ Linda G. Carpenter

Linda G. Carpenter, Esq.

Georgia State Bar No. 111285

E-mail: lgc@brosnahan-law.com

Attorney for Plaintiff

31 Lenox Pointe, N.E.
Atlanta, Georgia 30324
Tel: (404) 853-8964
Fax: (678) 904-6391

E-FILED IN OFFICE - CL
CLERK OF STATE COURT
GWINNETT COUNTY, GEORGIA
23-C-04492-S1
6/30/2023 10:06 AM
TIANA P. GARNER, CLERK

AFFIDAVIT OF SERVICE

State of Georgia

County of Gwinnett

State Court

Case Number: 23-C-04492-S1

Plaintiff: **ALEXANDER ACOSTA**

vs.

Defendants: **BRINKER GEORGIA, INC. d/b/a CHILI'S GRILL & BAR,
BRINKER PROPERTY CORPORATION, BRINKER INTERNATIONAL,
INC. AND TREVOR WILLIAMS**

For:

Linda Carpenter
The Brosnahan Law Firm
31 Lenox Pointe, N.E.
Atlanta, GA 30324

Received by Absolute Legal Services to be served on **Brinker Georgia, Inc. d/b/a Chili's Grill & Bar r/a
The Prentice Hall Corp System, 2 Sun Court, Suite 400, Peachtree Corners, GA 30092.**

I, Christopher Todd Horton, being duly sworn, depose and say that on the **29th day of June, 2023 at 1:15
pm, I:**

served **Brinker Georgia, Inc. d/b/a Chili's Grill & Bar r/a The Prentice Hall Corp System** by delivering
a true copy of the **SUMMONS TO TREVOR WILLIAMS; SUMMONS TO BRINKER INTERNATIONAL,
INC.; SUMMONS TO BRINKER PROPERTY CORPORATION; SUMMONS TO BRINKER GEORGIA,
INC. d/b/a CHILI'S GRILL & BAR; COMPLAINT FOR DAMAGES; GENERAL CIVIL AND DOMESTIC
RELATIONS CASE FILING INFORMATION FORM; PLAINTIFF'S FIRST REQUEST FOR ADMISSIONS
TO DEFENDANTS; PLAINTIFF'S FIRST INTERROGATORIES TO DEFENDANTS; PLAINTIFF'S FIRST
REQUEST FOR PRODUCTION OF DOCUMENTS TO DEFENDANTS; PLAINTIFF'S NOTICE OF
LEAVE OF ABSENCE FOR KENNETH BROSNAHAN, ESQ.; PLAINTIFF'S NOTICE OF LEAVE OF
ABSENCE FOR LINDA G. CARPENTER, ESQ.** with the date and hour of service endorsed thereon by
me, to: **Barry Smith r/a Corporation Service Company, title: Process Specialist, a person authorized
to accept process for the Company, Brinker Georgia, Inc. d/b/a Chili's Grill & Bar r/a The Prentice Hall
Corp System, at the address of: 2 Sun Court, Suite 400, Peachtree Corners, GA 30092.**

Description of Person Served: Age: 33, Sex: M, Race/Skin Color: Black, Height: 5'10", Weight: 180, Hair:
Black, Glasses: N

I certify that I am a citizen of the United States over the age of 18 and have no interest in the above-styled
case.

Signed and sworn before me on the 29th day of June, 2023, by the affiant who is
personally known to me or produced identification.

NOTARY PUBLIC


Christopher Todd Horton
Process Server ID No. CPS243

Absolute Legal Services
930 New Hope Road
Suite 11-110
Lawrenceville, GA 30045
(770) 736-8106

Our Job Serial Number: RBC-2023001429
Ref: ACOSTA



FILED IN OFFICE
CLERK STATE COURT
GWINNETT COUNTY, GA.

IN THE STATE COURT OF GWINNETT COUNTY NOV -3 PM 1:52

STATE OF GEORGIA

TIANA P. GARNER, CLERK

IN RE: Permanent Process Servers

Case Number:

22 C-06181-4

ORDER OF APPOINTMENT

The application of the undersigned permanent process server having been read and considered, said applicant is hereby appointed permanent process server of this court pursuant to O.C.G.A. § 9-11-4(c), from the date of this order up to and including January 4, 2024.

This order allows the applicant to serve as a process server in Gwinnett County State Court matters only, on an annual renewable basis.

SO ORDERED this 3rd day of November, 2022.

Ronda Colvin Leary
Ronda Colvin Leary (Nov 3, 2022 11:19 EDT)

Presiding Judge
Gwinnett County State Court

Applicant:

Name

CHRISTOPHER TODD HORTON

Address

542 SIMONSON RIDGE TRL

LAWRENCEVILLE, GA 30045

770-844-0428 ctoddhorton@gmail.com

E-FILED IN OFFICE - CL
CLERK OF STATE COURT
GWINNETT COUNTY, GEORGIA
23-C-04492-S1
6/30/2023 10:06 AM
TIANA P. GARNER, CLERK

AFFIDAVIT OF SERVICE

State of Georgia

County of Gwinnett

State Court

Case Number: 23-C-04492-S1

Plaintiff: **ALEXANDER ACOSTA**

vs.

Defendants: **BRINKER GEORGIA, INC. d/b/a CHILI'S GRILL & BAR,
BRINKER PROPERTY CORPORATION, BRINKER INTERNATIONAL,
INC. AND TREVOR WILLIAMS**

For:

Linda Carpenter
The Brosnahan Law Firm
31 Lenox Pointe, N.E.
Atlanta, GA 30324

Received by Absolute Legal Services to be served on **Brinker Property Corporation r/a Corporation Service Company, 2 Sun Court, Suite 400, Peachtree Corners, GA 30092.**

I, Christopher Todd Horton, being duly sworn, depose and say that on the **29th day of June, 2023 at 1:15 pm, I:**

served **Brinker Property Corporation r/a Corporation Service Company** by delivering a true copy of the **SUMMONS TO TREVOR WILLIAMS; SUMMONS TO BRINKER INTERNATIONAL, INC.; SUMMONS TO BRINKER PROPERTY CORPORATION; SUMMONS TO BRINKER GEORGIA, INC. d/b/a CHILI'S GRILL & BAR; COMPLAINT FOR DAMAGES; GENERAL CIVIL AND DOMESTIC RELATIONS CASE FILING INFORMATION FORM; PLAINTIFF'S FIRST REQUEST FOR ADMISSIONS TO DEFENDANTS; PLAINTIFF'S FIRST INTERROGATORIES TO DEFENDANTS; PLAINTIFF'S FIRST REQUEST FOR PRODUCTION OF DOCUMENTS TO DEFENDANTS; PLAINTIFF'S NOTICE OF LEAVE OF ABSENCE FOR KENNETH BROSNAHAN, ESQ.; PLAINTIFF'S NOTICE OF LEAVE OF ABSENCE FOR LINDA G. CARPENTER, ESQ.** with the date and hour of service endorsed thereon by me, to: **Barry Smith r/a Corporation Service Company, title: Process Specialist, a person authorized to accept process for the Company, Brinker Property Corporation r/a Corporation Service Company, at the address of: 2 Sun Court, Suite 400, Peachtree Corners, GA 30092.**

Description of Person Served: Age: 33, Sex: M, Race/Skin Color: Black, Height: 5'10", Weight: 180, Hair: Black, Glasses: N

I certify that I am a citizen of the United States over the age of 18 and have no interest in the above-styled case.

Signed and sworn before me on the 29th day of June, 2023, by the affiant who is personally known to me or produced identification.

NOTARY PUBLIC


Christopher Todd Horton
Process Server ID No. CPS243

Absolute Legal Services
930 New Hope Road
Suite 11-110
Lawrenceville, GA 30045
(770) 736-8106

Our Job Serial Number: RBC-2023001428
Ref: ACOSTA



FILED IN OFFICE
CLERK STATE COURT
GWINNETT COUNTY, G.

IN THE STATE COURT OF GWINNETT COUNTY NOV -3 PM 1:52

STATE OF GEORGIA

TIANA P. GARNER, CLERK

IN RE: Permanent Process Servers

Case Number:

22 C-06181-4

ORDER OF APPOINTMENT

The application of the undersigned permanent process server having been read and considered, said applicant is hereby appointed permanent process server of this court pursuant to O.C.G.A. § 9-11-4(c), from the date of this order up to and including January 4, 2024.

This order allows the applicant to serve as a process server in Gwinnett County State Court matters only, on an annual renewable basis.

SO ORDERED this 3rd day of November, 2022.

Ronda Colvin Leary
Ronda Colvin Leary (Nov 3, 2022 11:19 EDT)

Presiding Judge
Gwinnett County State Court

Applicant:

Name

CHRISTOPHER TODD HORTON

Address

542 SIMONSON RIDGE TRL

LAWRENCEVILLE, GA 30045

770-844-0428 ctoddhorton@gmail.com

**IN THE STATE COURT OF GWINNETT COUNTY
STATE OF GEORGIA**

ALEXANDER ACOSTA,

Plaintiff,

v.

**BRINKER GEORGIA, INC. d/b/a
CHILI'S GRILL & BAR, BRINKER
PROPERTY CORPORATION,
BRINKER INTERNATIONAL, INC.
AND TREVOR WILLIAMS,**

Defendants.

CIVIL ACTION FILE

NO. 23-C-04492-S1

MOTION FOR APPOINTMENT OF SPECIAL AGENT FOR SERVICE

COMES NOW, Plaintiff ALEXANDER ACOSTA, in the above styled action, and file this Motion to Specially Appoint Process Server, showing in support thereof as follows:

1. Plaintiff originally filed the above-styled action on June 28, 2023
2. Pursuant to O.C.G.A. §9-11-4(c), 9-10-91 and 9-19-94 (Georgia Long Arm Statute and Service thereunder), the Plaintiff in the above-styled action moves this Honorable Court to specially appoint BARBARA WILCOX of ABSOLUTE LEGAL SERVICES for the purposes of service process on the Defendant, BRINKER INTERNATIONAL, INC.
3. This Motion is accompanied by a Brief in Support of Motion for Special Appointment.

WHEREFORE, Plaintiffs respectfully pray that this Honorable Court enter an order appointing BARBARA WILCOX of ABSOLUTE LEGAL SERVICES for the purpose of serving process on Defendant, BRINKER INTERNATIONAL, INC.

DATED this 10th day of July, 2023.

THE BROSNAHAN LAW FIRM



31 Lenox Pointe, N.E.
Atlanta, Georgia 30324
Tel: (404) 853-8964
Fax: (678) 904-6391

Kenneth W. Brosnahan, Esq.
Georgia State Bar No. 086345
E-mail: kwb@brosnahan-law.com
Linda G. Carpenter, Esq.
Georgia State Bar No. 111285
E-mail: lgc@brosnahan-law.com
Attorneys for Plaintiff

**IN THE STATE COURT OF GWINNETT COUNTY
STATE OF GEORGIA**

ALEXANDER ACOSTA,

Plaintiff,

v.

BRINKER GEORGIA, INC. d/b/a CHILI'S
GRILL & BAR, BRINKER PROPERTY
CORPORATION, BRINKER
INTERNATIONAL, INC. AND
TREVOR WILLIAMS,

Defendants.

CIVIL ACTION FILE

NO. 23-C-04492-S1

AFFIDAVIT IN SUPPORT FOR APPOINTMENT OF SERVICE

COMES NOW, BARBARA WILCOX of ABSOLUTE LEGAL SERVICES before the undersigned officer duly authorized to administer oaths, and after being sworn on oath deposes and says:

1.

I am more than eighteen (18) years of age, and suffering under no legal disabilities, am otherwise competent to testify, I am not a party hereto and, if called to testify, would testify to the facts herein. This Affidavit is based on personal knowledge.

2.

I am over the age of eighteen (18) and a citizen of the United States.

3.

I am not a party to the above-styled civil action, nor am I employed by or related to any of the parties to this action.

[SIGNATURE ON THE FOLLOWING PAGE]

[SIGNATURE CONTINUED FROM PREVIOUS PAGE]

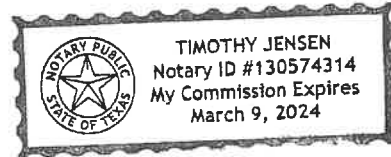
FURTHER AFFIANT SAYETH NOT.

Barbara A. Wilcox
BARBARA WILCOX

Sworn to and subscribed before me,
this 30th day of JUNE, 2023.

[Signature]
NOTARY PUBLIC

My Commission Expires: MARCH 9th, 2024



**IN THE STATE COURT OF GWINNETT COUNTY
STATE OF GEORGIA**

ALEXANDER ACOSTA,

Plaintiff,

v.

**BRINKER GEORGIA, INC. d/b/a
CHILI'S GRILL & BAR, BRINKER
PROPERTY CORPORATION,
BRINKER INTERNATIONAL, INC.
AND TREVOR WILLIAMS,**

Defendants.

CIVIL ACTION FILE

NO. 23-C-04492-S1

**BRIEF IN SUPPORT OF MOTION TO SPECIALLY
APPOINT PROCESS SERVER**

COMES NOW ALEXANDER ACOSTA, Plaintiff in the above styled action, and file this Brief in Support of their Motion to Specially Appoint Process Server, showing in support thereof as follows: Plaintiffs bring this Motion under O.C.G.A. §§§ 9-11-4, 9-10-91 and 9-10-94 as Defendant BRINKER INTERNATIONAL, INC's registered agent is out of state at 211 E. 7th Street, Suite 620 Austin, TX 78701-3218 and was out of State at this address at the times that the alleged causes of action set forth in the Complaint are alleged to have occurred. Per the Complaint, Plaintiffs allege that Defendant Brinker International, Inc. committed certain tortious actions and omissions within the State of Georgia at the times set forth in the Complaint. As such, per O.C.G.A. §§ 9-10-91 and 9-10-94 (Georgia Long Arm statute and service thereunder), jurisdiction is proper in this Court and service via an appointed process server is properly made by having an Texas resident over 18 with no connections with any of the parties hereto appointed to serve Defendant BRINKER INTERNATIONAL, INC. at the registered agent's address.

As such, Plaintiffs move the Court for an Order to specially appoint BARBARA WILCOX of ABSOLUTE LEGAL SERVICES to serve as process server on Defendant BRINKER INTERNATIONAL, INC. This is necessary in order to expedite service.

As shown via the Affidavit attached hereto, BARBARA WILCOX of ABSOLUTE LEGAL SERVICES is a citizen of Texas, United States, at least 18 years old, has no legal interest in the case, and is qualified to serve process upon the Defendant, BRINKER INTERNATIONAL, INC. pursuant to the above Georgia Code Sections and Texas law.

DATED this 10th day of July, 2023.

THE BROSNAHAN LAW FIRM



31 Lenox Pointe, N.E.
Atlanta, Georgia 30324
Tel: (404) 853-8964
Fax: (678) 904-6391

Kenneth W. Brosnahan, Esq.
Georgia State Bar No. 086345
E-mail: kwb@brosnahan-law.com
Linda G. Carpenter, Esq.
Georgia State Bar No. 111285
E-mail: lgc@brosnahan-law.com
Attorneys for Plaintiff

**IN THE STATE COURT OF GWINNETT COUNTY
STATE OF GEORGIA**

ALEXANDER ACOSTA,

Plaintiff,

v.

**BRINKER GEORGIA, INC. d/b/a
CHILI'S GRILL & BAR, BRINKER
PROPERTY CORPORATION,
BRINKER INTERNATIONAL, INC.
AND TREVOR WILLIAMS,**

Defendants.

CIVIL ACTION FILE

NO. 23-C-04492-S1

ORDER

IT APPEARING that an appointment of a special process server pursuant to O.C.G.A. §§§ 9-11-4, 9-10-91 and 9-10-94 is proper and necessary for out of state service pursuant to the Georgia Long Arm Statute inasmuch as Defendant Brinker International, Inc. appears to have a business registered out of State at the time of the alleged causes of action are said to have occurred as set forth in the Complaint and as of today's date, and it is appearing that BARBARA WILCOX of ABSOLUTE LEGAL SERVICES is suitable for service of process upon the Defendant BRINKER INTERNATIONAL, INC. it is hereby:

ORDERED that BARBARA WILCOX of ABSOLUTE LEGAL SERVICES is specially appointed by this Court for service of process upon the Defendant BRINKER INTERNATIONAL, INC..

SO ORDERED, this 14 day of JULY, 2023.



Presiding Judge,
State Court of Fayette County

Presented by:

Linda G. Carpenter
Kenneth W. Brosnahan, Esq.
Georgia Bar No.: 086345
Linda G. Carpenter, Esq.
Georgia Bar No.: 111285
31 Lenox Pointe

Atlanta, Georgia 30324
kwb@broshahan-law.com
lgc@broshahan-law.com
(404) 853-8964
Attorneys for Plaintiff

E-FILED IN OFFICE - MB
CLERK OF STATE COURT
GWINNETT COUNTY, GEORGIA
23-C-04492-S1
7/19/2023 12:22 PM
TIANA P. GARNER, CLERK

AFFIDAVIT OF SERVICE

State of Georgia

County of Gwinnett

State Court

Case Number: 23-C-04492-S1

Plaintiff: **ALEXANDER ACOSTA**

vs.

Defendants: **BRINKER GEORGIA, INC. d/b/a CHILI'S GRILL & BAR,
BRINKER PROPERTY CORPORATION, BRINKER INTERNATIONAL,
INC. AND TREVOR WILLIAMS**

For:

Linda Carpenter
The Brosnahan Law Firm
31 Lenox Pointe, N.E.
Atlanta, GA 30324

Received by Absolute Legal Services to be served on **Trevor Williams, Chili's, 2230 Mt. Zion Pkwy,
Morrow, GA 30260.**

I, Ericka McMillon, being duly sworn, depose and say that on the **9th** day of **July**, 2023 at 7:05 pm, I:

PERSONALLY served Trevor Williams at the address of Chili's, 2230 Mt. Zion Pkwy, Morrow, GA 30260 with the following: **SUMMONS TO TREVOR WILLIAMS; SUMMONS TO BRINKER INTERNATIONAL, INC.; SUMMONS TO BRINKER PROPERTY CORPORATION; SUMMONS TO BRINKER GEORGIA, INC. d/b/a CHILI'S GRILL & BAR; COMPLAINT FOR DAMAGES; GENERAL CIVIL AND DOMESTIC RELATIONS CASE FILING INFORMATION FORM; PLAINTIFF'S FIRST REQUEST FOR ADMISSIONS TO DEFENDANTS; PLAINTIFF'S FIRST INTERROGATORIES TO DEFENDANTS; PLAINTIFF'S FIRST REQUEST FOR PRODUCTION OF DOCUMENTS TO DEFENDANTS; PLAINTIFF'S NOTICE OF LEAVE OF ABSENCE FOR KENNETH BROSNAHAN, ESQ.; PLAINTIFF'S NOTICE OF LEAVE OF ABSENCE FOR LINDA G. CARPENTER, ESQ..**

Military Status: The person served with said documents refused to state whether or not the Defendant is in the Military Service of the United States of America.

Marital Status: Based upon inquiry of party served, they refused to state whether or not the Defendant is married.

Description of Person Served: Age: 35, Sex: M, Race/Skin Color: Black, Height: 6'0", Weight: 190, Hair: Hat, Glasses: N

I certify that I am a citizen of the United States over the age of 18 and have no interest in the above-styled case.

Signed and sworn before me on the 12th day of July, 2023 by the affiant who is personally known to me or produced identification.

NOTARY PUBLIC


Ericka McMillon
Process Server

Absolute Legal Services
930 New Hope Road
Suite 11-110
Lawrenceville, GA 30045
(770) 736-8106

Our Job Serial Number: RBC-2023001427
Ref: ACOSTA

FILED IN OFFICE
CLERK - STATE COURT
GWINNETT COUNTY, GA

IN THE STATE COURT OF GWINNETT COUNTY

2022 DEC -5 PM 2:41

STATE OF GEORGIA

TIANA P. GARNER, CLERK

IN RE: Permanent Process Servers

Case Number:

22 C-06870-3

ORDER OF APPOINTMENT

The application of the undersigned permanent process server having been read and considered, said applicant is hereby appointed permanent process server of this court pursuant to O.C.G.A. § 9-11-4(c), from the date of this order up to and including January 4, 2024.

This order allows the applicant to serve as a process server in Gwinnett County State Court matters only, on an annual renewable basis.

SO ORDERED this 5th day of December, 2022.

On
Curia Brown (Dec 5, 2022 11:56 EST)

Presiding Judge
Gwinnett County State Court

Applicant:

Name Ericka D McMillon

Address 3805 Brushymill court, loganville, Ga, 30052

**IN THE STATE COURT OF GWINNETT COUNTY
STATE OF GEORGIA**

ALEXANDER ACOSTA,

PLAINTIFF,

VS.

CIVIL ACTION No. 23-C-04492-S1

**BRINKER GEORGIA, INC. D/B/A CHILI'S GRILL &
BAR BRINKER PROPERTY CORPORATION,
BRINKER INTERNATIONAL, INC. &
TREVOR WILLIAMS,
DEFENDANTS.**

To: Brinker International, Inc. by and through its Registered Agent Prentice Hall Corporation System, 211 E. 7th Street, Suite 620, Austin, TX 78701-3218.

For: Linda Carpenter, The Brosnahan Law Firm, 31 Lenox Pointe NE, Atlanta, GA 30324.

Received by Barbara A. Wilcox, Process Server #9891, on the 16th day of July, 2023, at 10:10ap.m. to be delivered on **Brinker International, Inc.** by and through its Registered Agent Prentice Hall Corporation System, 211 E.7th Street, Suite 620, Austin, TX 78701-3218.

Executed service by delivering a true copy of a **Summons to Brinker International, Inc., Complaint for Damages, Plaintiff's First Interrogatories to Defendants; Plaintiff's First Request for Production of Documents to Defendants; Plaintiff's First Request for Admissions to Defendants; Plaintiff's Notice of Leave of Absence for Kenneth Brosnahan, Esq.; Affidavit in Support for Appointment of Service; General Civil and Domestic Relations Case Filing Information Form; Plaintiff's Notice of Leave of Absence for Linda G. Carpenter, Esq.; Order.** Located Brinker International, Inc. by and through its Registered Agent Prentice Hall Corporation System, 211 E.7th Street, Suite 620, Austin, TX 78701-3218 on the **17th day of July, 2023, at 10:33 a.m.,** with service accepted by Neisha Gross, in accordance with state statutes in the manner marked below:

() CORPORATE SERVICES: Delivered to Brinker International, Inc. by and through its Registered Agent Prentice Hall Corporation System, 211 E.7th Street, Suite 620, Austin, TX 78701-3218, with service accepted by Neisha Gross.

I am a person not less than eighteen (18) years of age, have never been convicted of a felony or a crime of moral turpitude, and no charge of a felony or a crime of moral turpitude is pending against me. I am not a party to or interested in the outcome of this case, am authorized by law, by the Supreme Court of Texas or by written order of the Court to deliver citations and other notices, and am able to perform this service of process correctly pursuant to TRCP 103, 106, 107, and 536a. I swear that the facts contained in this Affidavit are true and correct and that these facts are within my personal knowledge.

Barbara A. Wilcox

Barbara A. Wilcox

PROCESS SERVER #9891, Exp. 08/31/2024

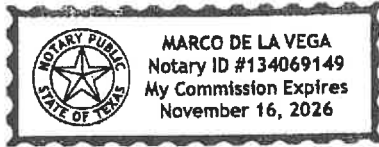
Appointed in accordance with State Statutes

5515 Davis Lane, #42

Austin, Texas 78749

512 / 736-9027

Subscribed and Sworn to before me on the 17th day of July, 2023, by the Affiant who is personally known to me or verified by Texas driver's license, to which witness my hand and seal of office.



Marco De La Vega

Notary Public, State of Texas

My Commission Expires: 11-16-2026